

**MINUTES OF THE
HOUSE JUDICIARY STANDING COMMITTEE MEETING**
20 House Building, Utah State Capitol Complex
February 19, 2014

Members Present: Rep. Kay L. McIff, Chair
Rep. Lee B. Perry, Vice Chair
Rep. Patrice Arent
Rep. LaVar Christensen
Rep. Brian M. Greene
Rep. Craig Hall
Rep. Eric K Hutchings
Rep. Brian S. King
Rep. V. Lowry Snow

Staff Present: Ms. Chelsea Lloyd, Policy Analyst
Ms. Linda Black, Committee Secretary

NOTE: A list of visitors and a copy of handouts are filed with the committee minutes.

Chair McIff called the meeting to order at 2:06 p.m.

MOTION: Rep. Hall moved to approve the minutes of February 18, 2014 meeting. The motion passed unanimously with Rep. Hutchings and Rep. King absent for the vote.

H.J.R. 12 **Joint Resolution on Appointment of Legal Counsel for Executive Officers**
(Rep. M. McKell)

Rep. McKell explained the resolution to the committee.

Spoke to the bill: Mr. Mark Thomas, Office of the Lieutenant Governor
 Mr. John Dougall, Auditor, State of Utah

MOTION: Rep. Hall moved to pass the resolution out favorably.

SUBSTITUTE MOTION: Rep. Snow moved to hold the bill.

The motion passed unanimously with Rep. Hutchings absent for the vote.

H.B. 213 **Criminal Penalties for Sexual Contact with a Student** *(Rep. L. Christensen)*

Rep. Christensen explained the bill to the committee.

MOTION: Rep. Christensen moved to replace H.B. 213 with 1st Substitute H.B. 213, "Criminal Penalties for Sexual Contact with a Student." The motion passed unanimously with Rep. Hutchings absent for the vote.

Spoke to the bill: Mr. Paul Boyden, Executive Director, Statewide Association of Prosecutors

MOTION: Rep. Perry moved to hold the bill. The motion passed unanimously.

H.B. 201 Visitation Amendments (Rep. L. Christensen)

Rep. Christensen explained the bill to the committee.

MOTION: Rep. Christensen moved to amend the bill as follows:

1. Page 3, Lines 72 through 76:

72 (1) When strictly necessary to protect a child and no less restrictive means is
73 reasonably available, a court may order supervised parent-time if the court determines
from
74 sufficient available evidence that the child would be subject to ~~physical,~~
~~psychological, or~~
75 ~~emotional danger~~ } child abuse, as described in Section 76-5-109, from the
noncustodial parent if left unsupervised with the noncustodial
76 parent.

The motion passed unanimously with Rep. Hutchings absent for the vote.

MOTION: Rep. Christensen moved to further amend the bill as follows:

1. Page 3, Lines 72 through 76:

72 (1) When ~~strictly~~ } necessary to protect a child and no less restrictive means is
73 reasonably available, a court may order supervised parent-time if the court determines
from
74 sufficient available evidence that the child would be subject to physical, psychological, or
75 emotional danger or child abuse, as described in Section 76-5-109, from the
noncustodial parent if left unsupervised with the noncustodial
76 parent.

SUBSTITUTE MOTION: Rep. King moved to hold the bill.

The substitute motion failed with Rep. Christensen, Rep. Greene, Rep. Hall, Rep. Hutchings, and Rep. Snow voting in opposition.

Rep. Christensen's original motion to amend passed unanimously.

MOTION: Rep. Hutchings moved to further amend the bill as follows:

1. Page 3, Lines 83 through 86:

- 83 direction for parent-time when neither supervisor is available.
84 (4) The court shall ~~{diligently strive to}~~ give preference to a relative of the
noncustodial
85 parent who is known to the child, or an individual recommended by the noncustodial
parent.
86 when making the selection in Subsection (3).

The motion passed unanimously.

MOTION: Rep. Snow to moved the further amend the bill as follows:

1. Page 2, Lines 32 through 35:

- 32 and well-being of the child and the parent who ~~[is the victim of]~~ experience domestic or
family
33 violence.
34 (b) Absent a showing by ~~{+}~~ **a preponderance of** ~~{+}~~ ~~{clear and~~
convincing} evidence of real
35 harm or substantiated potential harm to the child:

The motion passed unanimously.

MOTION: Rep. Hutchings moved to pass the bill out favorably as amended. The motion passed with Rep. Arent and Rep. King voting in opposition.

Spoke for the bill: Mr. Dan Deuel, legislative affairs, National Parents Organization
Mr. Land Reay
Spoke against the bill: Mr. Stuart Ralphs, Legal Aid Society of Salt Lake
Spoke to the bill: Mr. Rick Schwermer, Utah Administrative Office of the Courts
Ms. Liz Knight, Office of the Guardian ad Litem

1st Sub. H.B. 268 Dangerous Weapons Amendments (Rep. B. Greene)

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The bill was not heard.

1st Sub. H.B. 256 Adoption Records Access Amendments (*Rep. J. Nielson*)

The bill was not heard.

MOTION: Rep. Hutchings moved to adjourn the meeting. The motion passed unanimously.

Chair McIff adjourned the meeting at 4:10 p.m.

Kay L. McIff, Chair